IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 6107 of 2005

Between:

Siyanat Welfare Association, Regd.No.2032/1996, rep.by its secretary, Mohd. Faheemuddin, Son of late Mohd. Samsuddin, aged about 60 years Bunisess,H.No.22-6-693/A/1, Panjeshah, Eitebar Chowk, Hyderabad-500 002.

..... PETITIONER

AND

1 The State of A.P., rep. by its Principal Secretary, Minority Welfare and Wakfs, Govt of A.P., Secretariat Buildings, Hyderabad.
2 The A.P. State Wakf Board, Rep. by its Chief Executive Officer, Haj House Complex, opp. Public Garden, Nampally, Hyderabad.
3 The District Revenue Officer cum-District Walf Officer, Collectorate Complex, Nampalli, Hyderabad.
4 Macca Madina Allauddin Wakf, rep. by its Chairman Managing Trustee, Habeeb Allauddin, Son of late Khan Saheb Dost Mohd. Alluddin, H.No.8-2-684/3, Road. No.13, Banjara Hills, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, in the nature of Mandamus, declaring the inaction on the part of the Wakf Board having issued show cause notice fails to invoke Section 65 of the Wakf Act as recommended by the Enquiry Officer, amounts to not only dereliction of duty, but arbitrary, capricious, malafide; and pass such other or further orders.

Counsel for the Petitioner: MR.SYED SHAREEF AHMED

Counsel for the Respondent No.2: MR.A.M.QURESHI (SC FOR AP WAKF

BOARD)

Counsel for the Respondent NO. 1: G.P. for Minorities Welfare

Counsel for the Respondent NO. 3: G.P. for Revenue.

The Court at the stage of admission made the following :

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ORDER:.

Heard both sides and at their request, this Writ Petition is taken up for disposal at the stage of admission.

In this Writ Petition, the petitioner is seeking a writ of Mandamus, declaring the inaction on the part of the Wakf Board in invoking the provisions of Section 65 of the Wakf Act against the 4th respondent, as recommended by the Enquiry Officer, as arbitrary, capricious and malafide.

The petitioner, claiming to be a welfare association, and whose locus standi to maintain this Writ Petition is a debatable issue, alleges that certain irregularities have been committed by the 4th respondent, and though the Enquiry Officer enquired into the alleged irregularities and submitted a report, the second respondent is not proceeding any further.

Counsel appearing for the second respondent Wakf Board submitted that basing on the enquiry officer's report, a show cause notice dated 11.1.2005 had been issued to the 4th respondent and the same was responded to by the 4th respondent by way of offering an explanation, but the fourth respondent requested some more time to file a detailed explanation. Therefore, it is submitted that the second respondent is just waiting for such time to come to proceed further, pursuant to the show cause notice and the reply thereof, offered by the 4th respondent. The counsel further submitted that the second respondent is determined to initiate and proceed further in accordance with law. He further submitted that there is absolutely no laxity on the part of the second respondent, as alleged by the writ petitioner and as and when any irregularities are brought to the notice of the Wakf Board,

necessary action will be taken after following the due process of law, and if the procedure contemplated has already been set in motion, further course of action would be taken up without any dereliction, as alleged by the petitioner.

Having regard to the facts and circumstances and the submissions made by the learned Standing Counsel appearing for the second respondent, suffice it to close the Writ Petition, by recording the submissions made by the learned Standing Counsel for the second respondent with a direction to the second respondent to proceed further strictly in accordance with law with utmost expedition. No costs.

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D.S.R. VARMA, J

DATED: 24.03.2005

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To

1 The Principal Secretary, State of A.P., Minority Welfare
and Wakfs, Govt of A.P., Secretariat Buildings, Hyderabad.
2 The Chief Executive Officer A.P. State Wakf Board,
Haj House Complex, opp. Public Garden, Nampally, Hyderabad.
3 The District Revenue Officer cum-District Walf Officer, Collectorate Complex,
Nampalli, Hyderabad.
4 Chairman Managing Trustee, Macca Madina Allauddin Wakf, Habeeb Allauddin, Son of late Khan Saheb Dost Mohd. Alluddin, H.No.8-2-684/3, Road. No.13,
Banjara Hills, Hyderabad.

5. Two CD copies.

6. 1 CC to MR.QURESHI